

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 04-11531 -RGS

)	
FAFARD REAL ESTATE &)	
DEVELOPMENT CORP.,)	
)	
Plaintiff,)	AFFIDAVIT OF KENNETH R. BERMAN
)	IN SUPPORT OF DEFENDANT'S
vs.)	SPECIAL MOTION TO DISMISS AND
)	IN OPPOSITION TO PLAINTIFF'S
METRO-BOSTON BROADCASTING,)	<u>MOTION TO ENDORSE LIS PENDENS</u>
INC.,)	
)	
Defendant,)	
)	

I, Kenneth R. Berman, depose and say:

1. I am an attorney with Nutter McCennen & Fish LLP and represent the defendant. I submit this affidavit for matters of public record only and do not expect any evidence to be offered in contradiction to this affidavit.
2. In preparing defendant's opposition to plaintiff's motion to endorse lis pendens, I asked a title examiner in my law firm to obtain a copy of the document publicly recorded at "Book 936 Page 51" referred to in Exhibit A of the verified complaint.
3. Attached as Exhibit A is a copy of the document obtained by my title examiner. It is a "Subdivision Plan of Land In Ashland" recorded in the land registration office of the Middlesex South Registry District of the Land Court.

SIGNED under the pains and penalties of perjury this 15th day of July 2004.


Kenneth R. Berman